IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 2250 of 2007(P)
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PETITIONER:
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SWATHANTHRA AUTO THOZHILALI UNION,
GURUVAYOOR REPRESENTED BY ITS SECRETARY,
MANIKANDAN, S/O.GOPALAKRISHNAN NAIR, AGED 28
YEARS, RESIDING AT MANNUMGHAT HOUSE,
P.O.THAIKKAD, GURUVAYOOR.

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
GURUVAYOOR, THRISSUR DISTRICT.

2. THE CIRCLE INSPECTOR OF POLICE,
GURUVAYOOR, THRISSUR DISTRICT.

3. THE STATE OF KERALA, REPRESENTED
BY THE CHIEF SECRETARY, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

ADDL.R4 : SWATHANDRA AUTO UNION, ANATHAVALAM, REPRESENTED BY ITS SECRETARY, SATHAN C.S. AGED 34, S/O. SIVADASAN, CHANASSERY HOUSE, KOTTAPADY POST, THRISSUR.
(ADDL. R4 IMPLEADED AS PER ORDER ON IA 1541/07 DATED 1.2.07)

R1 TO R3 BY G.P. SHRI P.A. SALIM
ADDL.R4 BY ADV. SRI.RAJIT
SRI.RANJIT BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**J.B. Koshy &**
**T.R. Ramachandran Nair JJ.**
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**W.P.(C).NO.2250 of 2007-P**
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**Dated this the 1st day of February, 2007**

**JUDGMENT**

**Koshy, J.**

Petitioner is an autorickshaw driver and he is also president of an autorickshaw drivers union. It is his case that various devotees visit Guruvayoor and Anathavalam and other places and some of the passengers insist the authorickshaws to wait and take back them. In such cases, the autorickshaw drivers are parking in the allowed pay and park places after paying the charges. But police is charging cases and unnecessarily they are harassed.

2. The impleaded parties submit that they are having autorickshaw permits and they are parking in the area allotted for autorickshaw parking. But the petitioners are canvassing passengers coming in the temple and they are not merely waiting for the passengers.

3. Heard learned Govt. Pleader also. If persons are taken in the authorickshaw to the temple and the autorickshaws are waiting in the pay and park area after paying charges to take back the passengers, the police cannot charge cases against them. But at the same time, they cannot, after

dropping passenger, canvass new passengers and take new passengers. However, if the police has got doubt that they are waiting for new passengers, before charging cases, police has to verify whether drivers are waiting for the passengers whom they have dropped.

With the above observations, the writ petition is disposed of.

(J. B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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